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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/454,164	11/17/99	MUNROE M	5922-53642

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EXAMINER	
PHAN, H	
ART UNIT	**PAPER NUMBER**
2633	11

DATE MAILED: 11/06/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.	Applicant(s)
09/454,164	MUNROE et al
Examiner	**Art Unit**
Hanh Phan	2633

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *Nov 17, 1999*

2a) ☐ This action is **FINAL.** 2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-17 and 19-22* is/are pending in the applica

4a) Of the above, claim(s) _____ is/are withdrawn from considera

5) ☒ Claim(s) *1-4 and 19-21* is/are allowed.

6) ☒ Claim(s) *5-17 and 22* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claims _____ are subject to restriction and/or election requirem

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.

12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

a) ☐ All b) ☐ Some* c) ☐ None of:

1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____ .
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

15) ☒ Notice of References Cited (PTO-892)

16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____

18) ☐ Interview Summary (PTO-413) Paper No(s). _____

19) ☐ Notice of Informal Patent Application (PTO-152)

20) ☐ Other:

DETAILED ACTION

Double Patenting

1. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970);and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

2. Claims 16 and 17 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-16 of U.S. Patent No. 6,292,282 (Mossberg et al). Although the conflicting claims are not identical, they are not patentably distinct from each other because the claims 1-16 of U.S. Patent No. 6,292,282 (Mossberg et al) teaches a method of broadcasting an optical signal to a plurality of user stations for data recoverry only by a selected user, comprising:

selecting a temporal code for the optical signal (see claims 1-16 of U.S. Patent No. 6,292,282 (Mossberg et al);

applying the temporal code to the optical signal with at least one fiber Bragg garting;

wherein the temporal code is a composite code.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 5-7 and 22 are rejected under 35U.S.C.103(a) as being unpatentable over Sakanaka et al (U.S.Patent number 5,850,189) in view of Babbitt et al (U.S.Patent number 5,812,318 cited by applicant).

Regarding claim 5, Sakanaka teaches a central station for an optical network, comprising:

a receiver (57)(Fig. 5, col. 4, lines 22-50) that receives a first optical data signal and produces a corresponding electrical data signal;

a transmitter (54)(Fig. 5) that produces a second optical data signal based on data defined by the electrical data signal; and

an encoder (53)(Fig. 5) that applies a code to the second data signal.

Sakanaka differs from claim 5 in that he does not specifically teach a code to the second optical data signal. However, as evidenced by Babbitt, providing an encoder that applies a code to an optical data signal (Figs. 6A and 6B, col. 20, lines 30-64) is well known in the art. Therefore, it would have been obvious to an artisan of ordinary skill at the time of the invention to incorporate the encoder that applies a code to the optical data signal. as taught by Babbitt to Sakanaka in order to designate the sources and the destinations for the data signal.

Regarging claims 6 and 22, the combination of Sakanaka and Babbitt teaches a central station for an optical network wherein the code applied by the encoder is a temporal code (Figs. 6A and 6B of Babbitt, col. 20, lines 30-64).

Regarding claim 7, the combination of Sakanaka and Babbitt teaches a central station wherein the code is an address code that designates an intended destination for at least some of the data defined by the electrical data signal (Figs. 6A and 6B of Babbitt, col. 20, lines 30-64).

5. Claims 8-12 are rejected under 35U.S.C.103(a) as being unpatentable over Chen (U.S.Patent number 5,841,776 cited by applicant) in view of Babbitt et al (U.S.Patent number 5,812,318 cited by applicant).

Regarding claim 8, Chen teaches a multiplexing station for an optical network, comprising:

an address decoder (68)(Fig. 3, lines 25-54) that receives a signal containing data and coded according to an address code and strips the code from the signal, wherein the address code designates a destination for at least a portion of the data; and

an address encoder (42)(Fig. 3) that receives a signal containing data and encodes the signal to identify a destination of at least some of the data.

Chen differs from claim 8 in that he does not specifically teach a temporal address decoder and a temporal address encoder. However, as evidenced by Babbitt, providing a temporal address encoder and a address decoder (Figs. 6A and 6B, col. 20, lines 30-64, col. 19, lines 10-58) is well known in the art. Therefore, it would have been obvious to an artisan of ordinary skill at the time

of the invention to incorporate the encoder that applies a code to the optical data signal as taught by Babbitt to Sakanaka in order to designate the sources and the destinations for the data signal.

Regarding claim 9, the combination of Chen and Babbitt Chen teaches a multiplexing station wherein the temporal address decoder strips an optical code from the signal (Figs. 6A and 6B of Babbitt, col. 20, lines 30-64, col. 19, lines 10-58).

Regarding claim 10, the combination of Chen and Babbitt teaches a multiplexing station wherein the optical code is a composite code (Figs. 6A and 6B of Babbitt, col. 20, lines 30-64, col. 19, lines 10-58).

Regarding claim 11, the combination of Chen and Babbitt teaches a multiplexing sation for optical network wherein the temporal address encoder applies an optical code (Figs. 6A and 6B of Babbitt, col. 20, lines 30-64).

Regarding claim 12, the combination of Chen and Babbitt teaches a multiplexing station wherein the optical code is a composite code (Figs. 6A and 6B of Babbitt, col. 20, lines 30-64, col. 19, lines 10-58).

6. Claims 13-17 are rejected under 35U.S.C.103(a) as being unpatentable over Chen (U.S.Patent number 5,841,776 cited by applicant) in view of Babbitt et al (U.S.Patent number 5,812,318 cited by applicant) and further in view of Huber (U.S.Patent number 5,467,212 cited by applicant).

Regarding claims 13 and 14, the combination of Chen and Babbitt differs from claims 13 and 14 in that it does not specifically teach wherein the temporal address decoder and address

encoder comprises at least one fiber Bragg grating that strips the code. However, as evidenced by Huber, providing an address decoder comprises one fiber Bragg grating that strips the code (Fig. 27, col. 26, lines 48-62) is well known in the art. Therefore, it would have been obvious to an artisan of ordinary skill at the time of the invention to incorporate the address decoder comprises one fiber Bragg grating that strips the code as taught by Huber to the combination of Chen and Babbitt in order to select the wanted signal and to eliminate the unwanted signal.

Regarding claim 15, the combination of Chen , Babbitt, and Huber teaches a multiplexing apparatus wherein further comprising an optical circular that directs the signal to at least one fiber Bragg grating (Fig. 27 of Huber).

Regarding claim 16, the combination of Chen, Babbitt, and Huber teaches a method of broadcasting an optical signal to a plurality of user stations for data recoverry only by a selected user, comprising:

selecting a temporal code for the optical signal (Figs 6A and 6B of Babbitt); and

applying the temporal code to the optical signal with at least one fiber Bragg garting (Fig. 27 of Huber, col. 26, lines 48-62).

Regarding claim 17, the combination of Chen, Babbitt, and Huber teaches a method of broadcasting an optical signal to a plurality of user stations for data recoverry only by a selected user wherein the temporal code is a composite code (Figs 6A and 6B of Babbitt).

7. Claims 1-4 and 19-21 are allowed.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hanh Phan whose telephone number is (703)306-5840.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Chan, can be reached on (703)305-4729. The fax phone number for the organization where this application or proceeding is assigned is (703)872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-4700.

Leslie Pascal

LESLIE PASCAL
PRIMARY EXAMINER